

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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DIONNE LEE

Plaintiff

RICHARD K. BAWUAH and  
COWAN EQUIPMENT LEASING

Civil Action No. 07-cv-9917

Defendants

**CERTIFICATION OF COUNSEL**

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Jeffrey A. Segal, Esquire, an attorney duly admitted to practice law before the applicable Courts of the State of New York, hereby affirms the truth of the following, under the penalties of perjury:

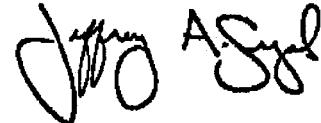
1. I, Jeffrey A. Segal, am a partner of Rawle & Henderson LLP, attorneys for the defendants, Richard K. Bawuah and Cowan Equipment Leasing, and as such I am fully familiar with the facts and circumstances herein.
2. This action arises out of a motor vehicle accident that occurred on the eastbound, Upper Level of the George Washington Bridge at approximately 12:40 a.m. on Monday, May 9, 2007.
3. Liability for the accident is disputed among the parties.
4. By letter dated June 5, 2008 plaintiff's counsel identified Daniel S. Burdett as an expert in the above-referenced matter and by way of correspondence dated June 12, 2008, we confirmed receipt of plaintiff's correspondence and requested a copy of Mr. Burdett's expert report prior to the June 15, 2008 expert deadline. No report was sent by plaintiff. (see, Exhibit "A").
5. Further, at the June 10, 2008 status conference before Your Honor, plaintiff's counsel represented to the Court that he did require any extensions of the discovery deadlines.

Therefore, the deadline for the exchange of expert reports has elapsed without plaintiff furnishing an expert liability report prepared by Mr. Burdett or any other liability expert.

6. Lastly, at the last telephone conference with Your Honor on June 25, 2008, Your Honor indicated that counsel could attempt to serve a liability expert report within one week or by July 2, 2008; while reserving the right to address the within motion. As of the filing of this motion, defendants have not received an expert report.

7. Therefore, defendants herein request an Order precluding plaintiff from producing testimony from Daniel S. Burdett or any other liability expert at trial.

RAWLE & HENDERSON LLP



By: \_\_\_\_\_

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Date: July 3, 2008